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December 18, 2009

**Confidential - Attorney/Client
Communications; Work Product**

VIA U.S. MAIL AND E-MAIL

Mr. Gary Kuhl
Public Works Director
Sumter County, Florida
319 E. Anderson Avenue
Bushnell, FL 33513

Re: Sumter County Right of Way Litigation Status

Dear Gary:

The following is the December 18, 2009, status report regarding litigation activities for each of the right-of-way acquisition projects being handled by our firm for Sumter County since our November 2009 status letter:

- **County Road 139/County Road 462 (Parcels 101, 101A, 102, 103, 104, 105, 108, 109, 109A, 110, 112, 113, 114, 120, 121, 122, 123, 124, 125, 126, 127, 128, 131, 132 & 133)** On May 27, 2009, the County filed an eminent domain action (Case No. 2009-CA-000467) to acquire Parcels 101, 101A, 102, 103, 104, 105, 108, 109, 109A, 110, 112, 113, 120, 121, 122, 123, 127, 128, 131, 132 and 133 which are needed for improvements to County Roads 139 and 462. On August 10, 2009, an Order of Taking hearing to acquire the parcels prior to the entry of a final judgment was held. On August 21, 2009, good faith deposits were made and title to the parcels was acquired by the County. We have reached settlements regarding Parcels 120, 121 and 122, and Stipulated Final Judgments were entered by the Court on September 25, 2009. The Stipulated Orders of Takings as to Parcels 125 and 126, owned by Russell D. Vick and Royce and Alice Vick were entered by the Court on October 21, 2009 and good faith deposits were made on October 30, 2009. Therefore, the County now owns all right-of-way needed to complete the project. *Since our last status letter, we have negotiated settlement agreements for Parcels 133, 123, 110 and 113, exclusive of attorneys' fees and costs and expert witness fees and costs. We are currently drafting Stipulated Final Judgments reflecting the mediated settlement agreements regarding said parcels and hope to submit these to the Board of County Commissioners before the end of the year. Additionally, we have scheduled January 29, 2010 mediations for Parcels 108, 109, 109A and January 28, 2010 mediations for Parcels 112 and 128. Tentative mediations have been scheduled for January 25, 2010 regarding Parcels 125 and 126.*

- **County Road 462:** See County Road 139/County Road 462.
- **County Road 468 (4 Lane)-- Parcels 100, 101A, 101B, 102A, 102B, 102C, and 103:** Parcels 100, 101A and 101B have settled and are pending closing by Derrill L. McAteer with The Hogan Law Firm of Brooksville, Florida. The County has settled the fee (land) interest in Parcel 103, owned by Grace Tabernacle of Worship, Inc. ("Grace Tabernacle"), in the amount of \$77,712.50, excluding attorneys' fees and costs and expert fees and costs. The attorneys' fees are in the amount of \$2,479.12 and the expert fees are in the amount of \$6,000.00. The fee interest in Parcel 103 is pending closing by Derrill McAteer with the Hogan Law Firm. There is still an unresolved easement interest by Progress Energy which is pending for Parcel 103. Other remaining parcels on this project are Parcels 102A, 102B and 102C, owned by Bobby E. Hunt and Carolyn Hunt (the "Hunts"). The last offer made by the County to the Hunts was in the amount of \$495,000.00, including a billboard owned by Tom Gunter d/b/a Gunter Advertising ("Gunter"). The County's offer was rejected on July 2, 2008 and the Hunts made a counteroffer in the amount of \$800,000.00, which was rejected by the County. The Hunt's counteroffer did not include the billboard owned by Tom Gunter d/b/a Gunter Advertising ("Gunter") located on Parcel 102C. The County and Progress Energy reached agreement on the area required to relocate Progress Energy's transmission lines and on a proposed easement and assignment. When the proposed easement and assignment were presented to Grace Tabernacle's counsel, he indicated that Grace Tabernacle would not agree to the proposed easement and assignment. *Since our last status letter, the County, Grace Tabernacle and Progress Energy are continuing negotiations regarding the proposed easement and assignment. We hope to have a resolution regarding Progress Energy's interest by the first of 2010 and will then schedule a mediation to resolve Grace Tabernacle and Hunt's interests.*
- **County Road 468 @ Turnpike (13 Outdoor Advertising Signs):** These are parcels upon which there are 13 billboards. We are working to obtain leases for three Lamar billboards and are working with Farner Barley and the Villages attorneys to obtain additional information regarding what interests need to be acquired through eminent domain proceedings and what interests are being dedicated to the County. Once this information is received, we will attempt to resolve these parcels through settlement and will file suit if we are unable to settle these parcel pre-suit. *No change since our last status letter.*
- **County Road 466A (Phase II Outdoor Advertising Signs)-Parcels 100 and 101:** These parcels have billboards owned by Oxford Outdoor Advertising located on them and pre-suit negotiations with the billboard owner's attorney failed. The County rejected the Owner's appraisal of \$613,800.00 and resubmitted an offer of settlement of \$33,100.00 for Parcel 100 and \$33,100.00 for Parcel 101. We were able to obtain dedications of the underlying fee needed for the road improvements from Joseph Dunagan and The Villages. Therefore, the only remaining issues are the leasehold and physical billboard structures owned by Oxford Outdoor Advertising. On August 10, 2009, the Court entered a Stipulated Order of Taking as to Parcels 100 and 101 and good faith deposits were made on August 21, 2009. *Since our last status letter, the County served its updated appraisal reports on Oxford's counsel and*

held a mediation conference on December 3, 2009 pursuant to the trial order in this case. The mediation was unsuccessful and we are currently moving forward with trial preparations.

- **County Road 616 Improvement Project—Sumter County, Florida v. Arthur M. Hayes, et al., Case No. 2007-CA-001299, Parcels 100, 101, 104, 105, 700, 701, 705, 800 and 804.** Parcels 101 and 701 owned by Harry Goodstein, Sarah Goodstein and Minnie Goodstein (the "Goodsteins") are the last active parcels on this project. The Goodsteins are deceased and an Administrator/Attorney Ad Litem has been appointed by the Court to resolve these interests. Probate actions were filed and finalized with the Court who adjudicated ownership of the property as follows: 50% to Millicent Goodstein and 50% to the Goodstein Memorial Trust. Unfortunately, since the completion of said probate actions, Millicent Goodstein has passed away and her estate is being probated in New Hampshire and Charles Goodstein has been appointed Personal Representative of the Estate. *Since our last status letter, the parties entered into a Stipulated Final Judgment, which was entered by Judge Hallman on December 1, 2009, wherein the property owners received no additional compensation for the taking of Parcels 101 and 701. Furthermore, a Stipulated Final Judgment Taxing Attorney Ad Litem and Guardian Ad Litem Fees was entered by Judge Hallman on December 11, 2009. The only issue remaining prior to closing this file is for the Attorney Ad Litem to file a Motion to Withdraw Funds that were deposited into the Court Registry in January 2008.*

Please call me if you have any questions concerning these matters.

Sincerely,

de la PARTE & GILBERT, P.A.



Vivian Arenas-Battles

VA/
cc: Brad Arnold, Sumter County Administrator